

Application No.: 09/942,405
Docket No.: TK3615 US NA

Page 2

REMARKS

Claims 1, 4, 7, 9, 11, 12, 14, 16, 18-20, 22, 24, 26, 28, 30, 32, and 34 remain pending in the application.

**Rejections under 35 U.S.C. §103(a) variously over Carroll et al.
in view of Drelich and/or Zimmerman et al.**

All of the pending claims are variously rejected under 35 U.S.C. §103(a) as obvious variously over Carroll et al. (WO 97/45259) in view of Drelich (U.S. Patent no. 2,880,113) and/or Zimmerman et al. (U.S. Patent no. 4,845,583). Applicants traverse these bases for rejection and respectfully request reconsideration and withdrawal thereof.

Applicants reiterate their comments in traverse of the rejections as applied to Carroll et al., Drelich and Zimmerman et al., as previously set forth in their last response. Since Applicants' comments below are directed to the impropriety of the combination of Carroll et al. in view of Drelich, a combination present in all rejections except for the new rejection, which will be addressed below, Applicants comments herein should be applied equally to each rejection that combines Carroll et al. and Drelich.

At page 2 of the outstanding Office Action, the Examiner explains that Carroll et al. disclose a laminate structure with a film layer sandwiched between two nonwoven layers. The Examiner recognizes that Carroll et al. fail to disclose or suggest that either nonwoven layer can be a powder-bonded nonwoven layer. However, the Examiner opines that it would have been obvious to substitute a powder-bonded nonwoven layer for one of the Carroll et al. nonwoven layers, in view of the disclosure of Drelich (Office Action, page 3), because Drelich discloses improved properties such as hand, drape, flexibility, absorbency and the like are obtainable by laminating a powder-bonded nonwoven layer to a film (see also, Office Action, page 6).

Applicants respectfully submit that in view of Drelich's teaching of improved properties when laminating a powder-bonded nonwoven layer to a film, those of skill in the art would not have been motivated to further laminate a non-powder-bonded nonwoven layer to the opposing side of the film, as presently claimed, since to do so

Application No.: 09/942,405
Docket No.: TK3615 US NA

Page 3

would apparently negate the very improvements desired by Drelich. As such, Applicants submit that Drelich would implicitly teach away from such a combination.

Withdrawal of the rejections over Carroll et al. in view of Drelich, as well as those incorporating any secondary references, is requested, for failure to establish a *prima facie* case of obviousness.

Rejections under 35 U.S.C. §103(a) over Lim et al.

In view of Drelich

All of the pending claims are rejected under 35 U.S.C. §103(a) as obvious over Lim et al. (U.S. Patent No. 6,187,696) in view of Drelich. Applicants traverse this basis for rejection and respectfully request reconsideration and withdrawal thereof.

Lim et al. is unavailable as a prior art reference in view of the filing date of the provisional application of the present application, September 1, 2000, which precedes the publication of Lim et al. on February 13, 2001. As such, Lim et al. is not available under 35 U.S.C. §102(a) or (b). Likewise, Lim et al. is unavailable under 35 U.S.C. §102(e), in view of 35 U.S.C. §103(c), since both the Lim et al. reference and the invention of the present application were commonly owned at the time of the present invention. The assignment as to the Lim et al. reference is recorded at reel 9202, frame 0957.

Application No.: 09/942,405
Docket No.: TK3615 US NA

Page 4

Withdrawal of the rejection and allowance of the claims is requested.

Respectfully submitted,



THOMAS W. STEINBERG
ATTORNEY FOR APPLICANTS
Registration No.: 37,013
Telephone: (302) 892-0887
Facsimile: (302) 892-7343

Dated: 8/25/04
TWS:fgl